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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.6214 OF 2016

1. Barku s/o Mahadu More,
Age: 30 years, Occ: Agri.,
R/o. Wakala, Tq. Vaijapur,
Dist. Aurangabad.
2. Shivram s/o Mahadu More,
Age: 26 years, Occ: Agri.,
R/o. Wakala, Tq. Vaijapur,
Dist. Aurangabad. ..APPLICANT

VERSUS

The State of Maharashtra
Through Shivoor Police Station,
Tq. Vaijapur, Dist. Aurangabad. ..RESPONDENT

Mr N.D. SONawane, Advocate for applicants;
Mr S.P. Deshmukh, Addl. Public Prosecutor for
respondent

CORAM : A.S. CHANDURKAR, J.

DATE : 19th DECEMBER, 2016

ORAL ORDER :

The applicants, who have been arrested on 3rd October, 2016 in connection with Crime No. I-124 of 2016 registered with Shivoor Police Station, Taluka Vaijapur, District Aurangabad, for the offences punishable under Sections 306, 498-A read with Section 34 of the Indian Penal Code,

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seek their release on bail.

2. As per the first information report dated 2nd October, 2016, the informant has stated that his daughter Rupali was married with the brother of present applicants namely Shahadu. It is stated that the husband of Rupali and his relatives used to harass the said Rupali by stating that she could not cook food or do any work. On 1st October, 2016 the said Rupali was initially found missing, subsequently her dead body was found in the well in the village.

3. It is submitted by the learned Counsel for the applicants by relying upon the order dated 27th October, 2016 in Criminal Application No. 5952 of 2016 that the offence punishable under Section 306 of the Indian Penal Code now stands deleted and the crime is now registered under Sections 304-B and 498-A of the Indian Penal Code. He submits that the statements of general nature are made in the first information report and merely because the

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applicants are brothers of husband of Rupali, they have been implicated. He submits that nothing has to be seized from the present applicants and hence, their further detention in the custody is not warranted.

4. The application is opposed by the learned Additional Public Prosecutor by relying upon the police papers. It is submitted that the statements of the witnesses indicate the illtreatment at the hands of the present applicants. As the said Rupali died an unnatural death, the applicants are not entitled to be released on bail.

5. Perused the police papers as well as the order dated 27th October, 2016 in Criminal Application No. 5952 of 2016. In the said order, this Court has after perusing the police papers found that there were no specific averments with regard to the deceased being subjected to cruelty on account of demand for dowry. In the first information report, the statements of general nature appear to have been made against the present

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applicants.

6. Considering the fact that the applicants are behind the bars since 3rd October, 2016 and there is no seizure to be effected from the present applicants, I am inclined to allow the present application.

7. Hence, the following order is passed : -

(i) The applicants are directed to be released on bail in connection with Crime No.I-124 of 2016 registered with Shivoor Police Station, Taluka Vaijapur, District Aurangabad, for the offences punishable under Sections 306, 498-A read with Section 34 of the Indian Penal Code, on furnishing P.R. bond of Rs.15,000/- each, with one surety in the like amount.

(ii) The applicants shall co-operate in the completion of investigation and attend the trial Court as and when directed.

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(iii) The applicants shall not take any steps to influence the prosecution witnesses.

8. The observations made in this order are only for the purposes of deciding the present application.

9. Criminal Application is allowed and disposed of.

(A.S. CHANDURKAR, J.)

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